THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10223 of 2007

09.7.2007

Between:

Mr.Manipal Reddy, S/o.Narayan Reddy

… Petitioner

AND

The Tahsildar, Midjil Mandal, Mahaboobnagar District

And others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10223 of 2007

ORDER:

The petitioner herein allegedly founder director of M/s.Palamoor Agro Complex Ltd., registered under the Companies Act, 1956 (the Act, for brevity). The said company acquired landed properties. Third respondent appears to have filed Form No.32 under Section 3(1) of the Act before the Registrar of the Companies showing that the petitioner resigned from the Board of Directors of the company. Alleging that the same is illegal, petitioner filed C.P.No.85 of 2006 before the Company Court (High Court), which is pending. However, it appears, third respondent alleging that C.P.No.85 of 2006 was dismissed for default, approached the first respondent and obtained mutation in respect of lands admeasuring Acs.75.02 gts situated in survey Nos.117, 118 and 120 to 125 of Revally village of Midjil Mandal in Mahabubnagar District. Against the orders of the first respondent dated 09.4.2007, petitioner herein filed appeal before the second respondent who also directed to maintain *status quo*. The appeal is still pending. In spite of the same, petitioner filed the writ petition again challenging the orders of the first respondent dated 09.4.2007.

When a person has already availed remedy provided under the statute under which he/she claims a right, a writ petition simultaneously would not be maintainable. Therefore, this writ petition is misconceived. Petitioner may have to pursue the remedy before the second respondent. As the appeal is still pending, second respondent may dispose of the same, after giving notice to third respondent, within a period of six weeks from the date of receipt of a copy of this order.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

July 09, 2007

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